

**MEMORANDUM**

**TO:** Board of Zoning Adjustment

**FROM:** Jennifer Steingasser, Deputy Director, Development Review & Historic Preservation

**DATE:** May 3, 2011

**SUBJECT:** BZA Application No. 18207 – Request for a special exception under § 213 to continue the existing parking lot at the rear of 4926 Wisconsin Avenue, N.W.

**I. SUMMARY RECOMMENDATION**

The Office of Planning recommends approval of the requested special exception pursuant to §§ 213 and 31041.1 to continue the parking lot use, subject to the conditions listed at the end of this report.

**II. AREA AND SITE DESCRIPTION**

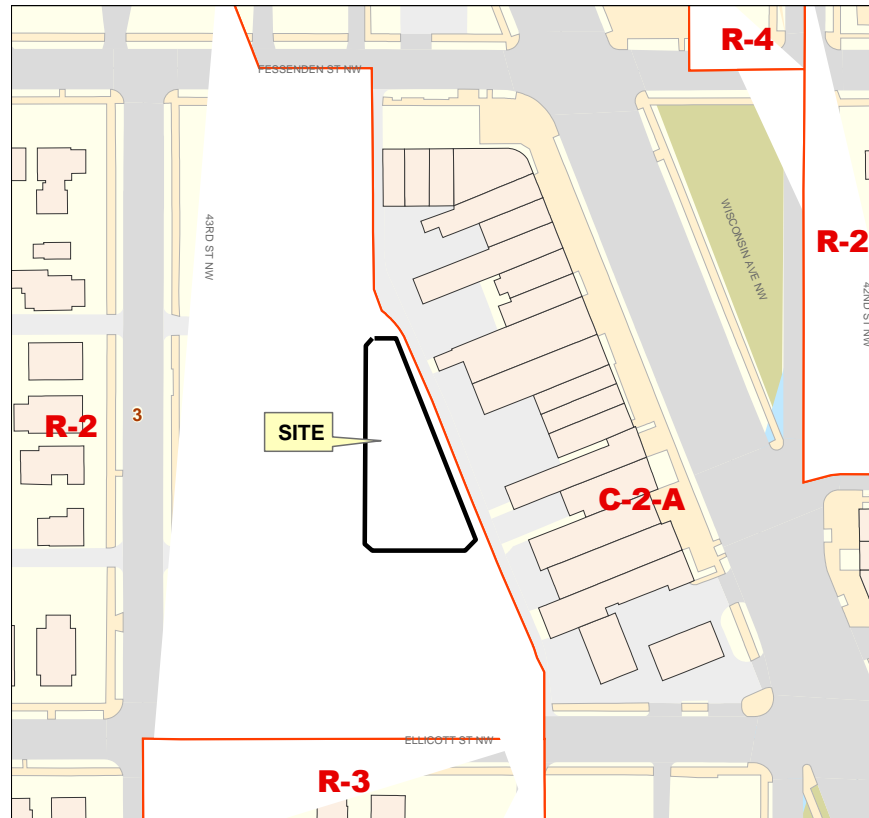
Address	Rear of 4926 Wisconsin Avenue, N.W.
Legal Description	Square 1671, Lot 30
Ward	3E
Lot Characteristics	Triangularly-shaped lot surrounded on all sides by public alleys. Alleys are directly accessible from Ellicott Street, Fessenden Street and 43 <sup>rd</sup> Street.
Existing Development	Twenty-seven space surface parking lot enclosed by a three-foot high brick wall to the west and south, and an iron rail on the north-west. Access is from the north.
Zoning	R-2 – Parking lots permitted subject to special exception approval.
Historic District	None
Adjacent Properties	Single-family detached dwellings to the south and east. One and two-story commercial development to the northeast facing Wisconsin Avenue and Fessenden Street, N.W.
Surrounding Neighborhood Character:	Commercial uses in the C-2-A district to the east; single-family detached dwellings in an R-2 district to the south and west.

**III. APPLICATION IN BRIEF**

The applicant proposes to continue to operate the parking lot similar to the way it has been operating with patrons parking their own cars within the lot, except in the evenings. Currently the lot closes at 7:00 p.m. Monday through Saturday, and at 6:00 p.m. on Sundays. The applicant



proposes that the parking lot be kept open until 11:30 p.m., Monday through Saturday, with use of the lot limited to valet parking only between the hours of 7:00 p.m. and 11:30 p.m. to serve the local restaurants. No patron parking would be allowed during the evening hours.



Zoning and Vicinity Map

#### IV. BACKGROUND

Previous BZA actions involving this site include:

- On November 29, 1989, Application No. 15181 was granted to allow a parking lot in an R-2 zone for a period of four years.
- On May 11, 1994, Application No. 15919 was granted to continue the parking lot for a period of three years.
- On March 19, 1997, Application No. 16212 was granted to continue the parking lot for a period of five years.
- On April 20, 2004, Application No. 17151 was granted to continue the parking lot for a period of seven years.

#### V. ZONING ANALYSIS

##### Section 213 Parking Lots

*213.2 A parking lot shall be located in its entirety within two hundred feet (200 ft.) of an existing Commercial or Industrial District.*

The parking lot is located within two hundred feet (200 ft.) of a C-2-A district bordering Wisconsin Avenue, N.W.

*213.3 A parking lot shall be contiguous to or separated only by an alley from a Commercial or Industrial District.*

The parking lot is separated only by an alley from the C-2-A district located along Wisconsin Avenue, N.W.

*213.4 All provisions of chapter 23 of this title shall be complied with.*

The application is in compliance with the provisions of § 2303, as described below.

*213.5 No dangerous or otherwise objectionable traffic conditions shall result from the establishment of the use, and the present character and future development of the neighborhood will not be affected adversely.*

Access to the parking lot is controlled by a card entry system, and the operation of the lot would continue to operate during the daytime hours in the same manner as it has since 1989.

The addition of evening hours as a valet parking lot should not adversely affect the neighborhood. Only attendants would access the lot in the evening, and not groups of people heading back to their cars that potentially could impact the nearby residents with talking. As the lot would be controlled with a card entry system, individuals would not be able to enter the lot themselves. The extension of hours into the evening would provide an alternative to parking on the surrounding neighborhood streets at a time when most of nearby neighbors would be expected to be home. Therefore, the continuation of the parking lot and the extension of the hours would not adversely affect the neighborhood.

In 2004 the Board granted the continuation of the lot subject to fifteen conditions intended to ensure that the neighborhood would not be adversely impacted. The Office of Planning recommends the continuation of many of those conditions for the same reason. Because the applicant is requesting an extension of the hours until 11:30 p.m., the Office of Planning recommends the time limit on the approval be continued. However, OP does recommend the deletion of many conditions that repeat the criteria contained within the Zoning Regulations, as these are conditions that the applicant must abide by if the application is granted by the Board.

There are four alleys providing access to the lot; two from 43<sup>rd</sup> Street, one from Ellicott Street and one from Fessenden Street. The two from 43<sup>rd</sup> Street are situated between residential properties. The other two, accessible from Ellicott Street and Fessenden Street, are located adjacent to commercial properties on the east side. In order to minimize the impact of the valet parking on residential properties and on 43<sup>rd</sup> Street, a residential street, the Office of Planning recommends that access to the lot by the valet parking operator be from Ellicott Street or Fessenden Street only. Further, the applicant should post the lot indicating that daytime users should not use 43<sup>rd</sup> Street to access the lot, also to minimize any impact the continued use of the lot would have on the residential community.

Below are the conditions as contained in the last order for the continuation of the parking lot (BZA Order 17151), as modified by the Office of Planning. New language is shown in **bold** and deleted language in ~~strikeout~~.

1. Approval shall be for a period of SEVEN (7) YEARS.
2. The hours of operation shall be from 7:00 a.m. to 7:00 p.m., Monday through Friday, 9:00 a.m. to 7:00 p.m. on Saturday, and 11:00 a.m. to 6:00 p.m. on

**Sunday. The parking lot shall operate as valet only from 7:00 p.m. to 11:30 p.m., Monday through Saturday.**

3. The property shall be secured during all hours that it is not in operation.
4. Trash and debris on the property shall be picked up on a weekly basis.
5. There shall be no trash containers kept on the lot. Trash shall be disposed of by the business the parking lot serves.
6. The masonry wall surrounding the lot as well as the guardrail shall be maintained in good condition at all times. Graffiti shall be removed expeditiously.
7. The landscaping provided on the lot shall be maintained in a healthy growing condition and shall have a neat and orderly appearance. Planter boxes shall be maintained in a good state of repair and replaced as necessary.
8. The applicant shall post and maintain a sign giving information on whom to contact in the event of complaint or emergency.
9. The two substandard parking spaces located in the northern and western areas of the parking lot shall be posted with signs reserving them for compact cars.
10. Bumper stops shall be erected and maintained for the protection of all adjoining property lines on or over the public space.
- ~~11. No vehicle or any part thereof shall be permitted to project over any lot or building line or over the public space.~~
- ~~12. All areas devoted to driveways, access lanes, and parking areas shall be maintained with an all-weather impervious surface paving material. All potholes shall be repaired expeditiously.~~
- ~~13. No other use shall be conducted from or upon the premises.~~
- ~~14. Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct lighting are confined to the surface of the parking lot.~~
15. The applicant shall maintain, through its designated representative, an ongoing liaison with Advisory Neighborhood Commission 3E and the property owners in the square to resolve any issues that might arise due to the operation of the parking lot.
16. **The valet operator shall not access the parking lot from 43<sup>rd</sup> Street, N.W.**
17. **The applicant shall post and maintain a sign indicating that all ingress and egress to the lot should be from either Ellicott Street or Fessenden Street, N.W.**

*213.6 The parking lot shall be reasonably necessary and convenient to other uses in the vicinity, so that the likely result will be a reduction in overspill parking on neighborhood streets.*

The parking lot serves several of the business within the surrounding area, providing off-street parking accommodations for those businesses without the need for them to utilize the surrounding streets for parking. During the evening hours it is expected that surrounding restaurants would take advantage of this parking facility, reducing the need for restaurant patrons to have to park on surrounding residential streets.

- 213.7 *A majority of the parking spaces shall serve residential uses or short-term parking needs of retail, service, and public facility uses in the vicinity.*

All of the parking would serve the short-term parking needs of restaurant patrons during the evenings. During the day the parking lot would continue to serve the monthly parking needs of several surrounding businesses, with the applicant able to reissue contracts to others on a monthly basis. Under the previous application, BZA 17151, the Board found that this arrangement met the “*spirit of the regulation*” because of the “*flexibility to provide greater short-term parking should the neighbors and residents want that...*” In addition, the lot has a daily closing time, precluding parking overnight or longer.

- 213.8 *Before taking final action on an application for use as a parking lot, the Board shall submit the application to the D.C. Department of Transportation for review and report.*

DDOT informed the Office of Planning by telephone that it had no comments on the application.

### **Section 2303, Parking Lots**

- 2303.1 *A parking lot in any district shall conform to the following provisions:*

- (a) *All areas devoted to driveways, access lanes, and parking areas shall be surfaced and maintained with an all-weather surface. In addition to traditional impervious surfaces, allowable all weather surfaces include porous (or pervious) concrete, porous asphalt, and/or mechanically-reinforced grass, excluding grass or gravel.*

The lot is paved with bituminous materials, which form an all-weather surface.

- (b) *The parking lot shall be designed so that no vehicle or any part of a vehicle projects over any lot line or building line.*

The parking lot is enclosed on two sides by a brick wall and on the third by an iron railing, which prevent vehicles from projecting over any of the lot lines.

- (c) *No other use shall be conducted from or upon the premises, and no structure other than an attendant's shelter shall be erected or used upon the premises unless the use is otherwise permitted in the district in which the parking lot is located.*

No other use is proposed to be conducted from the premises.

- (d) *No vehicular entrance or exist shall be within forty feet (40 ft.) of a street intersection as measured from the intersection of the curb line extended.*

No vehicular entrance is located within forty feet from a street intersection.

- (e) *Any lighting used to illuminate a parking lot its accessory buildings shall be arranged so that all direct rays of the lighting are confined to the surface of the parking lot.*

All lighting would continue to be arranged and directed so that it is confined to the surface to the parking lot.

- (f) *The parking lot shall be kept free of refuse and debris and shall be landscaped. Landscaping shall be maintained in a health growing condition and in a neat and orderly appearance. Landscaping with trees and shrub shall cover a minimum of five percent (5%) of the total area of the parking lot or an area as determined by the Board of Zoning Adjustment for a parking lot otherwise requiring Board approval.*

The applicant has a contract with a company to clean the lot on a weekly basis.

Although the parking lot is completely paved, there are planter boxes within the lot that were approved by the Board the last time the use was extended (BZA 17151). As the Board previously found this landscaping to be acceptable if maintained, the Office of Planning recommends that these planter boxes continue to be maintained as previously approved.

*2303.2 In addition to the requirements of §2303.1, a parking lot located in an R-1 District ... shall be screened from all contiguous residential property located in the R-1 ... District by a solid brick wall or stone wall at least twelve inches (12 in.) thick and forty-two inches (42 in.) high or by evergreen hedges or evergreen trees that are thickly planted and maintained and at least forty-two inches (42 in.) in height when planted.*

*(a) The parking lot shall be screened from all contiguous residential property located in the R-1 R-2 or R-3 District by a solid masonry wall at least twelve inches (12 in.) thick and forty-two inches (42 in.) high.*

The parking lot is not contiguous to any residential property and is separated from all surrounding properties by 15-foot wide public alleys.

*(b) All parts of the lot not devoted to parking area, driveway, access lane, attendant's shelter, or required screening walls shall be paved or landscaped. Landscaping shall be maintained in a health growing condition, and in a neat and orderly appearance.*

The entire site is paved, with planter boxes within the lot. The application indicates that the planter boxes would continue, and the landscaping maintained in a healthy growing condition.

*2303.5 The Board may require any special treatment of the premises that it deems necessary to protect the value of adjacent property.*

The Office of Planning makes no special treatment recommendations.

The Office of Planning concludes that the subject application is in conformance with the provisions of §§ 213 and 2303.

## **VI. COMMUNITY COMMENTS**

ANC 3E, at its regularly scheduled meeting of April 12, 2011, voted to support the application.

## **VII. RECOMMENDATION**

The Office of Planning finds the proposed application to be in conformance with the criteria contained within §§ 213 and 2303 of the Zoning Regulations, subject to the below listed conditions to ensure that it would have no adverse impacts on the surrounding community. Therefore, OP recommends that the Board approve this special exception application to continue the use of the existing parking lot use and to expand the hours of operation to include valet parking between the hours of 7:00 p.m. and 11:30 p.m., Monday through Saturday, subject to the following conditions:

1. Approval shall be for a period of SEVEN (7) YEARS.
2. The hours of operation shall be from 7:00 a.m. to 7:00 p.m., Monday through Friday, 9:00 a.m. to 7:00 p.m. on Saturday, and 11:00 a.m. to 6:00 p.m. on Sunday. The parking lot shall operate as valet only from 7:00 p.m. to 11:30 p.m., Monday through Saturday.
3. The property shall be secured during all hours that it is not in operation.

4. Trash and debris on the property shall be picked up on a weekly basis.
5. There shall be no trash containers kept on the lot. Trash shall be disposed of by the business the parking lot serves.
6. The masonry wall surrounding the lot as well as the guardrail shall be maintained in good condition at all times. Graffiti shall be removed expeditiously.
7. The landscaping provided on the lot shall be maintained in a healthy growing condition and shall have a neat and orderly appearance. Planter boxes shall be maintained in a good state of repair and replaced as necessary.
8. The applicant shall post and maintain a sign giving information on whom to contact in the event of complaint or emergency.
9. The two substandard parking spaces located in the northern and western areas of the parking lot shall be posted with signs reserving them for compact cars.
10. Bumper stops shall be maintained for the protection of all adjoining property lines on or over the public space.
11. All potholes shall be repaired expeditiously.
12. The applicant shall maintain, through its designated representative, an ongoing liaison with Advisory Neighborhood Commission 3E and the property owners in the square to resolve any issues that might arise due to the operation of the parking lot.
13. The valet operator shall not access the parking lot from 43<sup>rd</sup> Street, N.W.
14. The applicant shall post and maintain a sign indicating that all ingress and egress to the lot should be from either Ellicott Street or Fessenden Street, N.W.

JS/sjm<sup>AICP</sup>

Case Manager: Stephen J. Mordfin AICP

